C.F. 71.

1935

Department of I. R. & A.

OFFICE Board of Rev

STATION Madras

Mis No. 4425

Dated 19-11-35

Z-3998/35

Pages in the file

(SUBJECT.)

Salt - Quarry - (South Kanara)

Mangalore T.K. - Issuance of
R.S. 73/ - Transfer from wet to
dry - Appeal - Orders passed

1/ CFLR1/ RP 743 91
7 3998 Ltr

The Secretary to the Commissioner of Land Revenue
and Settlement,
Chepauk, Madras.

Sir,

I, Kalladigoli Shiva Aithala, Pattadar No.7 of village No.167, Munnur, Mangalore Taluk, South Kanara District, beg to appeal against the order of the Special ssistant Settlement Officer in charge, No.III Party, uddappah, passed in respect of R.S.No. 73/1(L.Dis.No. 908/35 dated 15-9-1935, received by me on 5-10-1935).

The Officer's order are unjust and if given ffect to will cause undue hardship to me. The Settle-ent Tahasildar himself after inspection admits that during he monsoon and floods there is some rush of water. he Tahasildar's comparison of similar wet lands suffering nder the same disadvantages is not correct. The other adjoining wet fields are placed in a more advantageous portion and is not handicapped by similar troubles like the field. My field forms the direct target of attack by the floods. It becomes the direct victim and the havoc that is caused by the flood is terrible. During the floods, the entire field is filled with sand and large stones and thus has rendered the field permanently unfit for wet cultivation. This is beyond my control and not due to my negligence As the land has become permanently unfit for wet cultivation, the land is a fit case for transfer to dry I therefore beg to request that the land may be transferred to dry considering the above facts and thus relieve me of my anxiety which I am having through no fault of mine. I also submit that the assessment paid from 1923 onwards may be ordered to

be refunded to me.

The orders of the officer appealed against are submitted in original.

I beg to remain,

Sir,

Your most obedient servant,

Address.

Shiva Mithala,

No.166 Sajipa Muda,

Bantwal Post,

Mangalore Taluk S.I.

L.F. 33.

PROCEEDINGS / MEMORANDUM OF THE Special Assistant Settlement Officer in charge, Party No.III, Cuddapah.

*Post Box No.*_____ *Telegraphic Address*_____

Name M.R.Ry.K.P.Krishnan Nayar Avl., B.A.

L.Dis. *No.* 1908.35, *dated* 15.9.35. 193

*Short title*_____

READ—the following:—

Settlement - Resettlement, (South Kanara) - Mangalore taluk- Village No.167 Munnur - R.S.No.104/2 - Separation of wet III from wet I - R.S.No.73/1 - Transfer from wet to dry - Appeal.

****

Read:- (i) petition dated 3.6.35 from M.R.Ry.Kalladigoli Shiva Aithala

(ii) R.O.C.198/Supr.35 dated 13.6.35 of the Branch Office Mangalore

(iii) connected records obtained from the Branch Office.

*****

O r d e r

R.S.No.104/2. This is a clubbed field in which three original survey fields were clubbed at resurvey, namely, Old survey 34/1 (wet I), Old survey 34/3 (also wet I) and Old survey 34/4 part (wet III). On inspection the entire resurvey field covering an area of 1.59 acre was found to be wet I on ground and it was accordingly registered as wet I and assessed at Rs.0-14-0 an acre. The appellant's contention is that O.S. 34/4 part should not have been so registered with reference to the present state of ground but should have been separated and its original registry as wet III retained, the rest of the resurvey field alone being registered as wet I. The Settlement Tahsildar rejected it on the ground that the wet III inclusion was due to the defective demarcation at the last survey, that the plot in question had been wet I all along and that no separation could therefore be effected under the rules.

The Settlement Tahsildar's order is based upon the notes of inspection of the Settlement Inspector and the Additional Supervisor. The reasons given for their opinion that the inclusion of wet III is due to incorrect demarcation at the old survey are (i) that there is no ridge between wet III (O.S.34/4 part) and wet I (O.S.34/1 and 3) and the whole field is wet I on ground and (ii) that the rest of O.S.34/4 (R.S.104/1) which is still wet III on ground is on a higher level. These facts might indicate defective

lands subject to the same disability fare. The Settlement Tahsildar was therefore right in examining the state of similar neighbouring lands and it is clear from his remarks that it is possible to raise wet crops on the appellant's land. The condition that the land should have become unfit for wet and fit only for dry cultivation is not therefore satisfied in this case and hence the appellant's request to transfer it to dry cannot be complied with

Krishnamayya

S.A. Special Asst. Sett. Officer in charge.

To

The appellant.

Copy to the Supervisor, Branch Office, Mangalore with the records returned and with a rough sketch.

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..	21/10/33	
When examined..		
When signed ..		
When despatched.		

DESPATCHED

SUBJECT:—

Sett. Asstt.- (South Kanara)
Mangalore T.K. Mannur village.
R.S. 73/1 - Transfer from wet to dry - Appeal.

READ AGAIN _____, dated _____ 19___

" " _____ _____ 19___.

READ *ALSO*:— F. 3998/35 Q.

No. _____ From the _____, No. _____, dated _____ 19___

" _____ " _____ " _____ " _____ 19___

" _____ " _____ " _____ " _____ 19___

Ref: ~~Order~~ ~~Ms.~~ ~~Resolution~~ ~~Rout.~~ No. F. 3998/35-1, dated 21 — 10 — 1933.

Forwarded to the Special Sett. Officer, Party No. III, for submission of the records with any remarks which he considers necessary regarding the allegations in the petition which are not already dealt with in the records.

21/X/33

19-10.

21/10

C.F. 32 (a).

Settlement Party DEPARTMENT.

In reply, please quote number, date and short title.*

*Received*_____ *Registered*

From (Name) D.I.R.Muir Esquire I.C.S.,

(Designation) Special Settlement Officer. Party No.III, Cuddapan.

Post Box _____, (Station) _____

Telegraphic Address _____

BOARD OF REVENUE
13 NOV 1935
LAND REVENUE AND SETTLEMENT

To

The Secretary to the Commissioners of Land Revenue and Settlement, Chepauk, M a d r a s.

R.O.C.A1 3616-35-2 10.11.35.
*No.*_____, *dated* _____ *19*

Sir,

ENCLOSURES 1 path & 2 file

SPARE COPIES

Settlement - Resettlement - South Kanara - Mangalore taluk - Munnur village - R.S.No.73/1 Transfer from wet to dry - Appeal

Board's reference No.F.3998-35-1 dated 21.10.35.

I submit herewith this office file L.Dis.1908-35 dated 15.9.35 containing the order of the Special Assistant Settlement Officer in charge refusing the transfer of R.S.No.73/1 from wet to dry together with the (A) notes of inspection of the Settlement Tahsildar relating to the case.

I have no remarks to offer in the matter.

S.A.11.11.35.

For Special Settlement Officer.
11-11-35.

12 NOV 1935

C.F. 16.

DRAFT FOR APPROVAL.

Date Initials.

When received for fair copying

When copied

When examined..

When signed

When despatched.

SUBJECT:—

Sett - Reett - (South Kanara)
Mangalore TK - Munnur wax
R.S. 73/1 - Transfer from wet
to dry - Appeal - Orders
passed

READ AGAIN _____, dated _____ 19____

" " _____ _____ 19____.

READ *ALSO*:— J. 3998/35 - R

No. _____ From the _____, No. _____, dated _____ 19____.
J. 430/35 = R to S.S.O

" _____ " _____ " _____ 19____. & B to Inter

" _____ " _____ " _____ 19____

~~Order~~ / Resolution ~~Ms.~~ / ~~Rout.~~ No. 4425, dated 19 11 1935.

From the records
received with the S.S.O's letter
the Board observes
read above, that the field in
in its present state
question cannot be cultivated
with out crops ~~and~~ it is therefore
considered that in the circumstances of
the case the field should be
transferred to dry. The S.S.O.
is accordingly requested to do

Sett. Resett. (South Kanara) — Mangalore TK
Nunnur vge. R.S. 73/1 — Transfer
from wet to dry — Request rejected.
Appeal.

J. 3998/35
J 4301/35

To A.S. (Sett)

Please see the petition
at pp 1 & 2 c.f

2 R.S. 73/1, Nunnur village, Mangalore TK, is a field registered as wet at the original settlement. The petitioner applied to the Sett. Jahsildar to transfer this field to dry on the ground that as a result of the floods of 1923 it had been washed away & covered with sand & that during the rainy season the field is submerged & no wet crop could be grown. The Jahsildar inspected the field & found that though it was true that during the monsoon & floods there was some rush of water through this field & others & the top soil had been washed away, the neighbouring fields were regularly brought under wet cultivation & that with some labour wet crops could be

raised on this plot also. He accordingly rejected the request. The petitioner appealed to the S.A.S.O. who did not consider it necessary to inspect the field himself but rejected the appeal on the strength of the Inhaildar's inspn. The present petition is an appeal against this order. In it he says that it is not fair to compare mighty towering wet fields with his, as his field forms the direct target of attack by the floods, & that the field has consequently become permanently unfit for wet cultivation for reasons beyond his control. The present S.S.O. has not offered any remarks on the appeal but has only forwarded the original records.

Under para 11(a) of the recent notification a wet field can be transferred to dry if owing to causes beyond the ryots control, the same is found to be dry on ground & put for dry cultivation only. The S.A.S.O states that mere absence of wet cultivation is not a proof of its permanent unfitness for it & that the Lett Inhaildar was right in examining

the condition of similar neighbouring fields which are subject to the annual liability. It does not appear that at this assessment of 1915 also in the petition the petitioner states that this field is the dried up target of water from the field in question of fact but which the Tribunal received from this source do not throw much light here is however the statement of the Inhabitants that with some labour and crops can be raised on this plot also. For orders whether the appeal is to be rejected

14-11.
14/11

The Collector may be requested to report what the cost of making the land quite fit for such cultivation would be as it appears from the S.A. 50's report order that the land is not Cannot be cultivated as well as in its present state.

15/11/25

T. S.

M.3.

If the land in its present State cannot be cultivated with wet crops as shewn, in fairness, be transferred to Dry. If during the Currency of the result

the appellant grows beet crops on the land there is provision in the Act for notice to transfer the land to beet we have also to remember that in S. Kanara there is no seasonal remission and if the appellant's land in its present state grows a poor yield he gets no relief On the whole I am inclined to grant the petitioner's request.

16.XI.25

M3

I agree
16.11

To A.S. (Lit)

A.S. (Lit)

draft enclosed.

18.11.

18/11